

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #15	CCRB Case #: 201908170	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/13/2019 9:40 PM	Location of Incident: 69th Precinct stationhouse	Precinct: 69	18 Mo. SOL 3/13/2021	EO SOL 10/28/2021	
Date/Time CV Reported Sun, 09/15/2019 12:52 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 09/15/2019 12:52 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Yuen Tian	02282	954371	PSA 1
2. SGT Melonie Minott	03371	942907	PSA 1
3. SGT Thomas Rodriguez	00075	947426	PSA 1

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Zureno Wilson	06484	963810	069 PCT
2. POM Junaid Saeed	07200	963733	069 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Melonie Minott	Abuse: Sergeant Melonie Minott strip-searched § 87(2)(b)	
B.SGT Thomas Rodriguez	Abuse: Sergeant Thomas Rodriguez did not obtain medical treatment for § 87(2)(b)	
C.POM Yuen Tian	Abuse: Police Officer Yuen Tian did not obtain medical treatment for § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		

## Case Summary

On September 15, 2019, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

At approximately 10:00 p.m. on September 13, 2019, several officers from PSA 1, including Police Officer Yuen Tian and Sergeant Melanie Minott, arrested § 87(2)(b) at § 87(2)(b) § 87(2)(b) in Brooklyn. They transported § 87(2)(b) to the 61<sup>st</sup> Precinct stationhouse for arrest processing. They presented him to the desk officer, Sergeant Thomas Rodriguez of the 61<sup>st</sup> Precinct. Police Officer Tian recovered a small plastic bag containing alleged heroin from § 87(2)(b) at the front desk. Sergeant Minott then directed Police Officer Tian and at least one other officer to strip-search § 87(2)(b) (**Allegation A: Abuse of Authority – Strip search, § 87(2)(g)**). No further contraband was found during the subsequent strip search. § 87(2)(b) asked Police Officer Tian and Sergeant Rodriguez to be taken to the hospital to receive medication for a chronic medical condition. Neither officer obtained medical attention for § 87(2)(b) (**Allegations B and C: Abuse of Authority – Refusal to obtain medical attention, § 87(2)(g)** § 87(2)(b) was eventually charged with § 87(2)(b) (Board Review #01).

§ 87(4-b) § 87(2)(g)

The investigation obtained footage from NYCHA, who operates § 87(2)(b) § 87(2)(b) It is attached in IAs #22 and #23 (Board Review #02-03) and summarized in IA #24 (Board Review #04). Footage from security cameras at the 61<sup>st</sup> Precinct stationhouse is attached in IAs #41-48 and #56-62 (Board Review #05-#20) and summarized in IA #97 (Board Review #21).

Body-worn camera (BWC) footage recorded by several officers from PSA 1, including Police Officer Tian, Sergeant Minott, Police Officer Zureno Wilson and Police Officer Junaid Saeed, is attached in IAs #86-94 (Board Review #22-30) and summarized in IA #99 (Board Review #31). No other video footage was found from this incident.

## Findings and Recommendations

**Allegation (A) Abuse of Authority: Sergeant Melonie Minott strip-searched § 87(2)(b).**

§ 87(2)(b) provided a telephone statement on September 23, 2019 (Board Review #32). He provided a sworn statement to the CCRB on September 30, 2019. Two potential witnesses were identified by the investigation: § 87(2)(b) and § 87(2)(b). The investigation was unable to obtain statements from either of them (Board Review #33). Sergeant Minott was interviewed at the CCRB on November 25, 2019. Police Officer Tian was interviewed at the CCRB on November 26, 2019. Sergeant Rodriguez was interviewed at the CCRB on January 3, 2020.

It is undisputed that § 87(2)(b) was arrested for § 87(2)(b) at § 87(2)(b) and transported to the 61<sup>st</sup> Precinct stationhouse for arrest processing. Police Officer Tian emptied § 87(2)(b)'s pockets at the front desk. At some point after § 87(2)(b) arrived at the stationhouse, officers accused him of possessing heroin. § 87(2)(b) was strip-searched at the 61<sup>st</sup> Precinct stationhouse.

§ 87(2)(b) made no mention of being strip-searched while he was in police custody. He stated that at the time of his arrest, he carried a clear plastic sandwich bag in one of his pockets. The bag contained a “fronto” leaf, a large tobacco leaf that is used to roll cigarettes. He denied that he had any illegal drugs on his person, including heroin. In his telephone statement, § 87(2)(b) stated that Police Officer Tian falsely identified the leaf as heroin.

Sergeant Minott’s, Sergeant Rodriguez’s and Police Officer Tian’s statements were generally consistent with each other, except as noted. Sergeant Minott and Police Officer Tian were among the officers who arrested § 87(2)(b) at § 87(2)(b). Sergeant Minott stated that § 87(2)(b) had a hostile demeanor during his arrest and repeatedly cursed at the officers. Both Sergeant Minott and Police Officer Tian went with § 87(2)(b) to the 63<sup>rd</sup> Precinct stationhouse, where Sergeant Rodriguez was working as the desk officer. All three officers stated that a small plastic bag containing brown powder was found on § 87(2)(b)’s person at some point while he was in custody. Police Officer Tian did not recall if the bag was found at § 87(2)(b) or the stationhouse. He was also uncertain if he recovered the bag or if another officer did. He did not know where the bag was found on § 87(2)(b)’s person. Sergeant Minott and Sergeant Rodriguez stated that Police Officer Tian recovered the bag while searching § 87(2)(b) at the stationhouse’s front desk. Sergeant Minott stated that the bag was found in § 87(2)(b)’s pants pocket. Sergeant Rodriguez did not see where the bag was found. All three officers identified the substance inside the bag differently. Sergeant Minott believed that it was crack cocaine, Sergeant Rodriguez believed that it was heroin and Police Officer Tian believed that it was marijuana. Sergeant Minott and Sergeant Rodriguez cited their experience in making drug-related arrests when asked how they identified the substance. Police Officer Tian believed it to be marijuana because marijuana is the most commonly recovered illicit substance.

Sergeant Minott stated that she and Sergeant Rodriguez jointly decided to have § 87(2)(b) strip-searched to determine if he was concealing further contraband on his person. She suspected that § 87(2)(b) might have further contraband because of the discovery of the bag with the brown powder, and because § 87(2)(b) had been uncooperative when he was arrested. Sergeant Rodriguez and Police Officer Tian both stated that Sergeant Minott made the decision to strip-search § 87(2)(b) alone. Sergeant Rodriguez stated that he believed that § 87(2)(b) to be concealing contraband based on the discovery of the bag. Police Officer Tian, however, did not personally suspect that § 87(2)(b) was carrying further contraband.

Sergeant Minott stated that Sergeant Rodriguez, Police Officer Tian and Police Officer Darren Campbell of PSA 1 conducted the strip search. Sergeant Rodriguez denied that he was present when the strip search was conducted. Police Officer Tian stated that he conducted the strip search with one other officer, whom he did not recall. Police Officer Tian and the other officer escorted § 87(2)(b) to a holding cell located in the rear of the building, out of view of other prisoners and officers. Once § 87(2)(b) entered one of these cells, Police Officer Tian and the other officer directed § 87(2)(b) to take off each article of clothing that he was wearing. § 87(2)(b) then passed each article of clothing to the officers, who searched them. Nothing was found during this search.

Police Officer Tian recorded the processing of § 87(2)(b)’s arrest at the front desk on his BWC. The footage is attached in IA #94 (Board Review #30). At 3:05 into the recording, Police Officer Tian places a small, clear plastic bag on the desk. The bag contains a brown powder. Police Officer Tian asks what the powder is. A voice from off-camera states, “Looks like heroin.” The bag is not seen at any other part of the incident. The video does not show when or where the bag was found on § 87(2)(b).

Police Officer Tian was shown the portion of his BWC footage showing him handling the plastic bag at the front desk. He stated that the substance in the bag was the same substance that he had identified as marijuana. When shown the portion of the footage in which an unseen voice states that the bag might contain heroin, Police Officer Tian stated that he was not certain of what substance the bag contained, and that he had assumed that it contained marijuana because marijuana is the drug most commonly recovered from prisoners.

The command log entry generated for § 87(2)(b)'s arrest states that § 87(2)(b) was strip-searched with Sergeant Minott's approval (Board Review #34). § 87(2)(b)'s arrest report also states that he was strip-searched (Board Review #01).

Police Officer Tian prepared a property voucher for § 87(2)(b)'s arrest. It states that a brown powder packaged in a plastic bag was recovered as arrest evidence. The substance is identified as "alleged heroin" (Board Review #35).

§ 87(2)(g)

[REDACTED]

NYPD Patrol Guide procedure 208-05 defines a strip search as any search in which an individual's undergarments or private areas are exposed. Strip searches may only be conducted with the knowledge and approval of a supervisor. A strip search may only be conducted when there is a reasonable suspicion that weapons, contraband or evidence may be concealed upon the person or in their clothing in such a manner that they may not be discovered by the previous search. This is a different standard from the probable cause required for the arrest. Factors to consider in determining when it is proper to conduct a strip search include the nature of the crime the subject was arrested for, the circumstances of their arrest, the subject's reputation, and any discoveries and/or information obtained from previous searches of the subject (Board Review #36).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

**Allegation (B) Abuse of Authority: Sergeant Thomas Rodriguez did not obtain medical treatment for § 87(2)(b)**

**Allegation (C) Abuse of Authority: Police Officer Yuen Tian did not obtain medical treatment for § 87(2)(b)**

It is undisputed that § 87(2)(b) did not receive medical treatment while at the 61<sup>st</sup> Precinct stationhouse. Sergeant Rodriguez, a Hispanic male, was assigned as the desk officer when § 87(2)(b) was presented at the stationhouse's front desk. Sergeant Minott is a black female.

§ 87(2)(b) stated that he suffers from § 87(2)(b). After he was arrested, Police Officer Tian transported him to the stationhouse and presented him at the front desk. § 87(2)(b) saw two officers behind the desk. He described one as a white male in a white-shirted uniform. He described the other as a black female wearing uniform pants along with a black shirt. After § 87(2)(b) was lodged in the holding cell adjacent to the front desk, he called out to the officer in the white shirt through the window installed in the cell wall. § 87(2)(b) asked for water and medical attention for his § 87(2)(b). The officer did not respond. § 87(2)(b) waited in the holding cell for several more hours, during which time Police Officer Tian visited him several times. § 87(2)(b) shouted to Police Officer Tian when he visited, telling him that he wanted medical attention and required medication for his § 87(2)(b). Police Officer Tian did not respond to these requests. Later in the night, an unidentified male entered the stationhouse and spoke to the officer in the white-shirted uniform at the front desk. During their conversation, § 87(2)(b) again shouted to the officer, asking for medical attention. The officer told § 87(2)(b) that an ambulance had been called and was on its way. Despite this, no ambulance responded to the stationhouse. Several hours later, § 87(2)(b) was transported to Brooklyn Central Booking. The officers at Central Booking sent § 87(2)(b) to § 87(2)(b), where he was given medication for his § 87(2)(b).

All three officers denied hearing § 87(2)(b) request medical attention for any reason at any time during the incident. They were not aware of § 87(2)(b) having any medical issues while he was in custody. Sergeant Rodriguez and Police Officer Tian did not recall any officers with white-shirted uniforms being present when § 87(2)(b) was presented at the front desk. Sergeant Minott did not state whether she saw any such officers while at the stationhouse.

BWC footage from Police Officer Wilson, Police Officer Saeed and Police Officer Tian is attached in IAs #92-94 (Board Review #28-30). They show these officers escorting § 87(2)(b) to the front desk. An officer in a blue uniform is standing behind the desk during their videos. No other officers are seen behind the desk. No officers wearing white-shirted uniforms are seen in any of the BWC footage. The videos end when § 87(2)(b) is escorted from the desk and placed in a holding cell. § 87(2)(b) is not heard requesting medical attention or complaining of medical issues in any of the BWC videos.

After viewing BWC footage from the incident, Sergeant Rodriguez identified himself as the officer seen standing behind the front desk.

Video footage obtained from the 61<sup>st</sup> Precinct stationhouse is attached in IAs #41-48 and #56-63 (Board Review #05-20). The videos show § 87(2)(b) lodged in the holding cell. At points during the video, § 87(2)(b) is seen speaking animatedly into the window installed in the cell wall. Because the videos lack sound, it is unclear what § 87(2)(b) is saying.

§ 87(2)(b)'s medical records from § 87(2)(b) indicate that he was admitted complaining of § 87(2)(b). He was in police custody at the time. § 87(2)(b)

§ 87(2)(b) was released after being issued medication for these conditions (Privileged Documents).

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED].

§ 87(4-b) § 87(2)(g)  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review #38).
- Sergeant Minott has been a member of the service for thirteen years and has been listed as a subject in one previous CCRB complaint and one allegation, which was not substantiated.  
§ 87(2)(g)  
[REDACTED]
- Sergeant Rodriguez has been a member of the service for eleven years and this is the first CCRB complaint to which he has been a subject.
- Police Officer Tian has been a member of the service for seven years and has been listed as a subject in one previous CCRB complaint and two allegations, neither of which was substantiated. § 87(2)(g)  
[REDACTED]  
[REDACTED]

#### **Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
- A Notice of Claim request was submitted to the NYC Office of the Comptroller on February 3, 2020. The results will be included in the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date